

MODULE 1

STANDARD CONDITIONS

1.A. EFFECT OF PERMIT

- 1.A.1. The Permittee is allowed to store and treat hazardous waste in containers, treat and store hazardous waste in tanks and treat hazardous waste in an incinerator in accordance with the conditions of this permit.
- 1.A.2. Any treatment or storage of hazardous waste not authorized in this, or any other hazardous waste permit is prohibited.
- 1.A.3. Compliance with this permit during its term constitutes compliance, for purposes of enforcement, with the Utah Hazardous Waste Management Rules, except for those requirements not included in this permit which become effective by statute. Specifically, compliance with this permit during its term constitutes compliance, for purposes of enforcement, with R315-8 only for those management practices specifically authorized by this permit. The Permittee is also required to comply with R315-1, 2, 3, 4, 5, 6, 9, 12, 13, 14, 16, 50, 101, and 316 as applicable.
- 1.A.4. Issuance of this permit does not convey property rights of any sort, or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.
- 1.A.5. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3008, 3013, or 7003 of RCRA; Sections 106, 104, or 107 of CERCLA; or any other law providing for protection of public health or the environment, except as provided for in Condition 1.A.3.
- 1.A.6. Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in the modules of this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

1.B. ENFORCEABILITY

Violations documented through the enforcement process pursuant to Utah Code Annotated 19-6-112, and upheld through judicial action, may result in penalties assessed in accordance with R315-102.

1.C. NO WAIVER OF AUTHORITY

The Executive Secretary expressly reserves any right of entry provided by law and any authority to order or perform emergency or other response activities as authorized by law.

1.D. PERMIT ACTIONS

- 1.D.1. This permit may be modified, revoked and reissued, or terminated for cause as specified in R315-3-15 and R315-3-16. If the Executive Secretary determines that cause exists to modify, revoke and reissue, or terminate this permit, the action will proceed in accordance with R315-3-17.
- 1.D.2. This permit may be modified at the request of the Permittee according to the procedures of R315-3-15(d). All modification requests involving design drawings, calculations, sketches, etc., must be reviewed and stamped by a qualified Utah registered professional engineer. All relevant drawings, calculations, sketches, etc., shall be included with the modification request.
- 1.D.3. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

1.E. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. Invalidation of any State or federal statutory or regulatory provision which forms the basis for any condition of this permit does not affect the validity of any other State or federal statutory or regulatory basis for said condition.

1.F. DUTY TO COMPLY

- . The Permittee shall comply with all conditions of this permit, except that the Permittee need not comply with the conditions of this permit to the extent and for the duration any noncompliance is authorized in an emergency permit issued in accordance with R315-3-19. Any permit noncompliance, except under the terms

of an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

1.G. PERMIT EXPIRATION

1.G.1. If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee shall apply for and obtain a new permit, subject to Condition 1.G.2.

1.G.2. This permit will expire at 7:00 am Mountain Daylight Time on May 8, 2010. This permit and all conditions herein will remain in force until the effective date of a new permit, if the Permittee has submitted a timely (at least 180 days prior to permit expiration or by an alternative date if requested by the Executive Secretary), complete application and through no fault of the Permittee, the Executive Secretary does not issue a new permit with an effective date on or before the expiration date of the previous permit.

1.H. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

1.I. DUTY TO MITIGATE

In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

1.J. PROPER OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control, and related appurtenances, which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and

process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

1.K. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the Executive Secretary, within a reasonable time, any relevant information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Executive Secretary upon request, copies of records required to be kept by this permit.

1.L. INSPECTION AND ENTRY

The Permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

- 1.L.1. Enter at reasonable times upon the Permittee's premises where a regulated facility and/or activity is located or conducted, or where records must be kept under the conditions of this permit;
- 1.L.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 1.L.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- 1.L.4. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Utah Solid and Hazardous Waste Act, any substances or parameters at any location.
- 1.L.5. Make record of inspections through photographic, magnetic, electronic, or any other reasonable means.

1.M. REPORTING PLANNED CHANGES

The Permittee shall give oral notice to the Executive Secretary, in advance, of any planned changes to a permitted hazardous waste management unit or activity that the Permittee does not consider as requiring a permit modification. The Executive Secretary will notify the Permittee orally that either it is agreed that no permit modification is required or the proposed changes require a permit modification. The Executive Secretary may determine that the changes require a permit modification if the proposed changes modify the original design or operation that was represented in the application even though those portions of the application (i.e. design specifications, drawings, calculations, etc.) may not have been incorporated into the permit.

1.N. CONSTRUCTION CERTIFICATION

For a new hazardous waste management unit, and for a hazardous waste management unit being modified, the Permittee may not treat, store, or dispose of hazardous waste in the new or modified portion of the unit except as provided in R315-3-15(d), until:

- 1.N.1. The Permittee has submitted to the Executive Secretary:
- a. A letter signed by the Permittee and a qualified Utah registered professional engineer stating that the unit has been constructed in compliance with this permit (i.e., in accordance with the approved design) and is operationally ready; and
 - b. Stamped as-built engineering plans and specifications with any deviations from the approved design noted and justification for each deviation provided; and
- 1.N.2. The Executive Secretary has reviewed and inspected the newly constructed facility and has notified the Permittee in writing that the unit was found to be in compliance with the conditions of this permit; or
- 1.N.3. The Executive Secretary has either waived the inspection, or has not, within 15 days of the date of his receipt of the above submission, notified the Permittee of an intent to inspect.

1.O. TRANSFER OF PERMIT

This permit is not transferrable to any person except after notice to the Executive Secretary and in accordance with R315-3-14.

1.P. MONITORING AND RECORDS

- 1.P.1. Samples and measurements taken for the purpose of monitoring to demonstrate compliance with this permit shall be accurate and representative of the monitored activity.
- 1.P.2. The Permittee shall retain, at the Clean Harbors Aragonite facility, all records required by this permit for a period of at least three years, unless specified otherwise elsewhere in this permit, from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the Executive Secretary at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility.
- 1.P.3. Records may be maintained electronically or by microfilm in lieu of paper. However, all records must be available for review at the facility at all times by regulatory personnel. Copies of all records must also be made available in a format requested by regulatory personnel.
- 1.P.4. The Permittee shall maintain at the facility a current copy of this permit.

1.Q. REPORTING REQUIREMENTS

- 1.Q.1. The Permittee shall report in writing to the Executive Secretary, all instances of noncompliance within seven days from the time the Permittee becomes aware of the noncompliance. Reporting shall not excuse any noncompliance.
- 1.Q.2. The Permittee shall orally report to the Executive Secretary any incident at the facility which may endanger human health or the environment within 24 hours from the time the Permittee becomes aware of the circumstances. The description of the incident and its cause shall include:
- a. Name and telephone number of the person reporting the incident;
 - b. Date, time and type of incident;
 - c. Description and quantity of material(s) involved;
 - d. The extent of injuries, if any;
 - e. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - f. Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within five days of the time the Permittee becomes aware of the circumstances. The written submission shall contain the steps taken or planned to prevent recurrence of the incident.

- 1.Q.3. The Permittee shall comply with the spill response, clean-up, and reporting requirements contained in R315-9. Additionally, the Permittee shall notify the Tooele County Health Department, Environmental Health of any spill requiring reporting as outlined in this condition.
- 1.Q.4. The Permittee shall comply with the biennial report requirements contained in R315-8-5.6.
- 1.Q.5. Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Executive Secretary, the Permittee shall submit such facts or corrected information within seven days of becoming aware of the error.
- 1.Q.6. The Permittee shall orally notify the Executive Secretary within 24 hours of detection, when a leak or spill occurs from a tank system or a secondary containment system to the environment.
- 1.Q.7. Within 30 days of detecting a release to the environment from a tank system or a secondary containment system, the Permittee shall submit the following information to the Executive Secretary:
 - a. Likely route of migration of the release;
 - b. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);
 - c. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee shall submit to the Executive Secretary a schedule of when the results will be available. This schedule shall be submitted before the required 30 day submittal period expires;
 - d. Proximity of downgradient drinking water, surface water, and populated areas; and
 - e. Description of response actions taken or planned.
- 1.Q.8. In the event that the contents of a tank exceed the maximum allowable capacity designated for that tank in Attachment 9, the Permittee shall notify the Executive Secretary in writing within seven days indicating the reason for the exceedance and also describing corrective measures taken by the Permittee to preclude future occurrences.

- 1.Q.9. Each time the emergency vent is opened during operation, the Permittee shall notify the Executive Secretary in writing within seven days describing the incident and indicating the reason for the emergency vent opening. This notification shall also describe corrective measures taken by the Permittee to prevent future occurrences. For purposes of this requirement, "during operation" shall be defined as meaning any time when the Permittee has fed any wastes within one hour prior to the vent being opened. In response to a notification of an emergency vent opening, the Executive Secretary may consider appropriate enforcement action to include the cessation of incinerator operation until adequate resolution of the problem occurs.
- 1.Q.10. If the emergency stop button is activated, the Permittee shall notify the Executive Secretary in writing within seven days indicating the reason for the button activation and also describing corrective measures taken by the Permittee to preclude future occurrences.
- 1.Q.11. Each time the baghouse is bypassed during operation, the Permittee shall notify the Executive Secretary in writing within seven days describing the incident and indicating the reason for the baghouse bypass. This notification shall also describe corrective measures taken by the Permittee to prevent future occurrences. For purposes of this requirement, "during operation" shall be defined as having fed any wastes within one hour prior to the baghouse being bypassed. In response to a notification of a baghouse bypass, the Executive Secretary may consider appropriate enforcement action to include the cessation of incinerator operation until adequate resolution of the problem occurs.
- 1.Q.12. If the automatic waste feed cut-off system fails to function properly, the Permittee shall notify the Executive Secretary in writing within seven days indicating the reason for the malfunction and also describing corrective measures taken by the Permittee to preclude future occurrences.
- 1.Q.13. If a compressed gas cylinder is determined to be leaking and it cannot be processed through the glove box, the Permittee shall notify the Executive Secretary orally within 24 hours of becoming aware of the leaking cylinder and shall notify the Executive Secretary in writing within seven days indicating the material involved and the actions taken to safely allow the cylinder to leak until empty.
- 1.Q.14. All reports, notifications, or other submittals that this permit requires to be sent or provided to the Executive Secretary shall be sent by certified mail or other means with proof of delivery to:

Division of Solid and Hazardous Waste

P.O. Box 144880
Salt Lake City, Utah 84114-4880

All hand delivered submissions shall be made during normal business hours at the Division of Solid and Hazardous Waste, Martha Hughes Cannon Building, 288 North 1460 West, Salt Lake City, Utah.

Required oral notifications shall only be provided to the Executive Secretary, an Environmental Manager, an Environmental Scientist, or an Engineer at the Division of Solid and Hazardous Waste, (801) 538-6170, or if none of these individuals are available, to the Department of Environmental Quality's 24-hour answering service telephone number, (801) 536-4123.

1.R. SIGNATORY REQUIREMENT

All applications, reports or other information requested by or submitted to the Executive Secretary shall be signed and certified as required by R315-3-8.

1.S. CONFIDENTIAL INFORMATION

The Permittee may claim confidential any information required to be submitted by this permit in accordance with Utah Code Annotated, 63-2-101 et seq and 19-1-306.

1.T. INFORMATION REPOSITORY

The Executive Secretary may require the Permittee to establish and maintain an information repository at any time based upon the factors set forth in R315-3-38.3(b). The information repository will be governed by the provisions in R315-3-38.3(c) through (f).

1.U. DEFINITIONS

For purposes of this permit, terms used herein shall have the same meaning as in R315 or 40 CFR 260-270, with definitions in R315 controlling, unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

1. **Accept, Accepted or Acceptance** means when Clean Harbors Aragonite has determined that a waste shipment received at the facility conforms to the approved profile (or all discrepancies have been resolved) and takes custody of the waste. It is further defined as when a Clean Harbors Aragonite barcode (designated with “AG”) is placed on the container and a green label or mark indicating acceptance is placed on the AG barcode, or when the materials are off-loaded to a permitted storage tank. Containers holding wastes which have been repacked from containers already accepted at the facility will have a unique AG barcode (identified by “REPACK” or “CONS” (for consolidate) on the barcode) and will be considered to have been accepted (i.e., no green label or mark on the barcode is necessary). For a direct burn tanker, it will be considered accepted when waste tracking indicates the material has been transferred to tank T-411 (for the drive through direct burn system) or T-413 (for the truck unloading direct burn system).
2. **Approve, Approved, or Approval** when used in the context of evaluating a profile means all necessary evaluations and analyses have been made and when the generator is notified as described in Condition 2.B.
3. **Executive Secretary** means the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.
4. **Infectious waste** means a solid waste that contains or may reasonably be expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease.
5. **Lab pack** means a container (bottle, jar, sealed bag, etc.) or containers packed inside a larger shipping container as described in 40 CFR §264.316 and in accordance with the specifications of 49 CFR §173.12(b).
6. **Qualified Utah Registered Professional Engineer** means any individual who is practicing in one's area of expertise and is licensed as a Professional Engineer by the Utah Department of Commerce.
7. **Receive, or Received** means when the transport vehicle passes through the front gate.
8. **Waste stream** means a waste that is, or should be (as defined by the US DOT description), identified as a line item on the Uniform Hazardous Waste Manifest from the same source of generation delivered with the same waste load.

9. Provisions of the Utah Solid and Hazardous Waste Act are cited as Utah Code Annotated 19-6-xxx.

10. Provisions of the Utah Hazardous Waste Management Rules are cited as Utah Administrative Code R315-xx-xxx.

1.V. CORRECTIVE ACTION

1.V.1. The Permittee shall comply with R315-8-6.12 which requires a permit to address corrective action for releases of hazardous waste, including hazardous constituents, from any solid waste management unit at the facility, regardless of when the waste was placed in the unit.

1.V.2. If corrective action becomes necessary at a future solid waste management unit at the facility, the Executive Secretary shall issue a schedule of compliance to the Permittee and/or initiate a permit modification as stipulated in Condition 1.D.